SCOTTISH STATUTORY INSTRUMENTS

1999 No.32

FOOD

The Food (Animals and Animal Products from Belgium) (Emergency Control) (No.2) (Scotland) Order 1999

Made - - - -	*19th August 1999*
Laid before the Scottish Parliament - - - -	*30th August1999*
Coming into force - -	*20th August 1999*

Whereas it appears to the Scottish Ministers that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health, now therefore the said Ministers, in exercise of the powers conferred on them by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animals and Animal Products from Belgium) (Emergency Control) (No.2) (Scotland) Order 1999 and shall come into force on 1999.

(2) In this Order –

"the Act" means the Food Safety Act 1990;

"the amending Commission Decision" means Commission Decision 1999/551/EC(**2**) amending Decision 1999/449/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption;

"animal" includes any bird;

"the Commission Decision" means Commission Decision 1999/449/EC on protective measures with regard to contamination by dioxins of certain animal products intended for human or animal consumption as amended by the amending Commission Decision(**3**)

"free circulation" shall be construed in accordance with Article 23.2 of the Treaty establishing the European Community;

(**1**) 1990 c. 16; "the Minister" is defined in section 4(2); section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40). The functions of the Secretary of State in relation to Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) OJ No. L209, 7.8.1999, p.42.
(**3**) OJ No. L175, 10.7.1999, p.70.

"member State" means a member State of the European Community other than Belgium or the United Kingdom; and

"relevant animal or animal product" means an entity coming within any of the following descriptions–

(a) live animals and hatching eggs as referred to in Article 3 of the Commission Decision,

(b) products of Belgian origin covered by Article 1.4 of the Commission Decision, and

(c) products which are derived or partly derived from live animals or hatching eggs referred to in sub-paragraph (a) above or contain any of the products referred to in sub-paragraph (b) above,

but only includes food and food sources.

(3) Other expressions used both in this Order and in the Commission Decision have, in so far as the context admits, the same meaning in this Order as they bear in that Decision.

Exemptions

2.—(1) Article 3 hereof shall not apply to–

(a) the importation of any food or food source if, when imported, that food or food source is accompanied by valid certification relating to it, as specified in paragraph (3) below;

(b) any subsequent commercial operations in relation to the food or food source if it can be proved by the person carrying out the operation that at the time of importation it was so accompanied; or

(c) the return to Belgium, in accordance with Article 5 of the Commission Decision as read with Article 2 of the amending Commission Decision, of any product covered by this Order.

(2) Article 5 hereof shall not, save for sub-paragraphs (a) and (b) of paragraph (1) thereof, apply to any imported food or food source which is accompanied by valid certification relating to it as specified in paragraph (3) below.

(3) The certification to which paragraphs (1)(a) and (b) and (2) above apply is–

(a) in the case of live poultry or hatching eggs as referred to in Article 2.2 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision, and not issued in contravention of Article 2 of the amending Commission Decision;

(b) in the case of bovine animals or pigs as referred to in Article 2.3 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision, and not issued in contravention of Article 2 of the amending Commission Decision;

(c) in the case of products referred to in Article 2.1 of the Commission Decision, an official certificate signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision, and not issued in contravention of Article 2 of the amending Commission Decision.

Prohibitions

3.—(1) Subject to paragraph (2) below, no person shall carry out commercial operations with respect to any relevant animal or animal product.

(2) Paragraph (1) above shall not be taken to prohibit the bringing into Scotland from a member State of any relevant animal or animal product in free circulation in that member State.